

Appln. No. 10/783,437  
Filing Date: February 20, 2004  
Response filed February 13, 2009  
Reply to Office action mailed November 12, 2008

## **REMARKS**

Claims 22-69 are pending in the Application and all stand rejected in the Office action mailed November 12, 2008. No claims are amended by this response. Claims 22, 47, and 60 are independent claims. Claims 23-46, 48-59, and 61-69 depend, respectively, from independent claims 22, 47, and 60.

Applicants respectfully request reconsideration of claims 22-69, in view of the following remarks.

As an initial matter, Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is **essential** that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.**

M.P.E.P. § 2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth "all reasons and bases" for rejecting the claims.

In addition, Applicants respectfully submit that no claims have been amended by this submission. Therefore, no new issues have been raised that would necessitate a new search.

## **Amendments to the Specification**

Applicants have amended the Specification as shown above to include information about related applications. Applicants respectfully submit that these amendments do not add new matter.

## **Rejections of Claims**

Claims 22, 23, 26, 27, 34, 36-40, 43, 45-48, 52, 54, 55, 57-61, 64, 65, and 67-69 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy, III et al. (US 5,734,981, hereinafter "Kennedy"). Claims 24, 25, 28-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley, et al. (US 5,526,353, hereinafter "Henley"). Claim 35 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Barak (US 5,764,741). Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Sharman (US 5,774,854). Applicants respectfully traverse the rejections for the reasons set forth during prosecution, and those set forth below.

### **I. Kennedy Does Not Anticipate Claims 22, 23, 26, 27, 34, 36-40, 43, 45-48, 52, 54, 55, 57-61, 64, 65, And 67-69**

Claims 22, 23, 26, 27, 34, 36-40, 43, 45-48, 52, 54, 55, 57-61, 64, 65, and 67-69 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy, III et al. (US 5,734,981, hereinafter "Kennedy").

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (emphasis added) MPEP 2131 also states, "[t]he identical invention **must** be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

With regard to independent claim 22, Applicants respectfully submit that claim 22 recites "[a] communication system controller comprising: interface circuitry for

exchanging, with an information transmission device, at least one of information requesting setup of a call and parameters for configuring the information transmission device; at least one processor communicatively coupled to the interface circuitry; and operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call, the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks."

The Office asserts that Kennedy discloses "...a communication system controller (see Fig. 3; platform 18) comprising: interface circuitry (see Fig. 3, 160) for exchanging, with an information transmission device (Fig. 3, transceiver 164),...." See Office action at p. 3. (emphasis in original) Applicants respectfully disagree for at least the following reasons.

Applicants respectfully notes that claim 22 recites "a communication system controller" comprising, *inter alia*, two distinct elements, namely, "interface circuitry" and an "information transmission device" that "...communicatively coupl[es] one of a plurality of communication networks to another of the plurality of communication networks." The Office identifies "data transceiver 160" of FIG. 3 of Kennedy as teaching Applicants' "interface circuitry", and "transceiver 164" as teaching Applicants' "information transmission device". Initially, Applicants respectfully submit that "transceiver 164" is shown in FIG. 3 of Kennedy as a part of, and not distinct from, "data transceiver 160". Applicants further respectfully submit that claim 22 recites that the "interface circuitry" exchanges "at least one of information requesting setup of a call and parameters for configuring the information transmission device" with the "information transmission device". Applicants respectfully submit that the supposed teachings of Kennedy selected by the Office result in the "data transceiver 160" exchanging "at least one of information requesting setup of a call and parameters for configuring the information transmission device", with itself. Applicants respectfully note that M.P.E.P. §2131 makes clear that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Further, M.P.E.P. §2131 also clearly states that "...[t]he identical invention

**must** be shown in as complete detail as is contained in the ... claim.” In other words, it is not sufficient to simply identify elements of the claim in the reference. The cited elements of the reference must be arranged as recited by the claim. Applicants respectfully submit that the asserted teachings of Kennedy fail to disclose the recited structure and, for at least this reason does not anticipate Applicants’ claim 22.

Applicants further respectfully submit that even if, *arguendo*, Applicants were to agree that Kennedy teaches the structure required by claim 22, which Applicants do not, Kennedy does not teach or suggest that the “transceiver 164”, which the Office identifies as teaching Applicants’ “information transmission device”, “...communicatively coupl[es] one of a plurality of communication networks to another of the plurality of communication networks...”, as recited by Applicants’ claim 22. In fact, portions of Kennedy cited by the Office teach otherwise.

Applicants respectfully submit that in rejecting another aspect of Applicants’ claim 22 the Office states “...Kennedy discloses ... the information transmission device thereby communicatively coupling one of a plurality of communication networks to another of the plurality of communication networks **(see col. 11 lines 45-51; links 170 in platform 18 couple the platform with PSTN 38 and other networks to allow callers desiring to place a call to mobile unit as shown in Fig. 1).**” See Office action at p. 4. (emphasis in original) Applicants respectfully disagree. Applicants now address Kennedy at cited col. 11, lines 45-51, reproduced below (underlined):

Coupler 146 in platform 18 couples links 170 with links 172, also referred to in the singular as link 170 and link 172. Links 170 couple platform 18 with PSTN 38, other networks 41, home switch 42, and other switches 48 to allow callers 36, desiring to place a call to mobile unit 12, to connect with platform 18. Links 172 couple platform 18 with mobile unit 12. Links 170 and links 172 can include modem and DTMF coder/decoders 174 and 176 or modems 178 and 180. Platform 18 supports voice calls , voice calls with embedded or interleaved data, and partially or fully encoded data calls using modem/DTMF 174 and 176 or modem 178 and 180. Coupler 146, under the direction of processor 140, couples link 170 with link 172 to complete delivery of a call from caller 36 to mobile unit 12. Coupler 146, link 170, and link 172 include the appropriate hardware and software to

control the dialing and call answering capabilities of platform  
18.

(emphasis added)

The cited portion of Kennedy shown above teaches that "coupler 146" couples "links 170" with "links 172", and that "...links 170 couple platform 18 with PSTN 38, other networks 41, home switch 42 and other switches 48 to allow callers 36, desiring to place a call to mobile unit 12 to connect with platform 18. Links 172 couple platform 18 with mobile unit 12." Applicants respectfully note that there is nothing in the cited portion shown above, however, that even mentions "transceiver 164" (the teaching of Kennedy alleged by the Office to disclose Applicants' "information transmission device"), let alone that teaches or suggests that "transceiver 164" couples the "mobile unit 12" or any of the "links 170" to any of the "links 170" including, for example, cited "PSTN 38" and "other networks 41" in the manner required by Applicants' claim 22, as asserted by the Office. Applicants respectfully submit that the Office previously identified "transceiver 164" as teaching Applicants' claimed "information transmission device", and now cites a portion of Kennedy that is clearly contrary to the earlier asserted teaching. Again, Applicants respectfully note that M.P.E.P. §2131 makes clear that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," and that "...[t]he identical invention **must** be shown in as complete detail as is contained in the ... claim." Therefore, for at least these reasons, Applicants respectfully submit that the Office has not established a *prima facie* case of anticipation with respect to Applicants' feature "...[a] communication system controller comprising: interface circuitry for exchanging, with an information transmission device, at least one of information requesting setup of a call and parameters for configuring the information transmission device;...", and that claim 22 is allowable over Kennedy.

The Office also states that Kennedy discloses "...at least one of information requesting setup of a call and parameters for configuring the information transmission device (see col. 11 lines 28-33; 160 receives call delivery information reports from

**mobile units and passes the report to transceiver 160);...."** Applicants respectfully disagree with the assertion, for at least the reasons that follow.

As an initial matter, Applicants note that the Office action states, in part, "...**160 receives call delivery information reports from mobile units and passes the report to transceiver 160....**" (emphasis added) Thus, the Office is asserting that the "data transceiver **160**" receives "call delivery information reports" and passes those reports to itself. Applicants respectfully submit that this makes no technical sense, and that this puzzling statement by the Office does not support a *prima facie* case of anticipation.

Applicants respectfully submit that claim 22 recites, in part, "...interface circuitry for exchanging, with an information transmission device, at least one of information requesting setup of a call and parameters for configuring the information transmission device;...." Therefore, to anticipate this aspect of Applicants' claim 22, Kennedy must teach that the "data transceiver 160" of Kennedy, which the Office previously identified as teaching Applicants' "interface circuitry", exchanges one or both of "information requesting setup of a call" and/or "parameters for configuring the information transmission device" with the "transceiver 164", which the Office previously identified as teaching Applicants' "information transmission device". Applicants now address Kennedy at col. 11, lines 28-33, which is shown below:

Data transceiver 160 is similar in construction and operation to data transceiver 100 in mobile unit 12. Data transceiver 160 includes antenna 162, transceiver 164, controller 166, and memory 168. In operation, data transceiver 160 receives data messages from and transmits data messages to mobile unit 12 using data communications network 16. In a typical configuration, data transceiver 160 receives call delivery information reports from many mobile units 12 and requires a higher capacity design than data transceiver 100 in mobile unit 12. Antenna 162 receives an incoming call delivery information report from mobile unit 12 and passes the report to transceiver 164. Controller 166 receives the report from transceiver 164 and passes the report to processor 140 over link 158. Controller 166 accesses operational software and other data stored in memory 168 to control the operation of data transceiver 160. Data transceiver 160 also receives call back messages from platform 18 using link 158, and transmits call back messages

to mobile unit 12 using data communications network 16. The call back message transmitted by data transceiver 160 can be broadcast without the need for location information of mobile unit 12, or data transceiver 160 can use location information of mobile unit 12 stored at platform 18 to communicate the call back message.

(emphasis added)

Applicants respectfully submit that the cited portion of Kennedy, above, teaches that "transceiver 164" of "data transceiver 160" receives "call delivery information reports" from "mobile units 12", and that "controller 166" receives the report from "transceiver 164" and passes the report to "processor 140" over "link 158". Kennedy also teaches that "data transceiver 160" receives "call back messages" from "platform 18" using "link 158", and transmits "call back messages" to "mobile unit 12".

Applicants respectfully submit that a "call delivery information report" is patentably distinct from and does not teach or suggest "information requesting setup of a call" or "parameters for configuring the information transmission device", as required by Applicants' claim 22. Applicants respectfully submit that a "report" is not the same as a "request". Further, Applicants have been unable to identify any portion or figure of Kennedy that teaches or suggests that the "transceiver 164", which the Office has identified as Applicants' "information transmission device", is configurable, or that the "call delivery information report" comprises or contains parameters for configuring the "transceiver 164". The cited portion simply teaches that the "transceiver 164" receives the "call delivery information report" and passes it to the "controller 166". Once again, Applicants respectfully note that M.P.E.P. §2131 makes clear that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," and that "...[t]he identical invention **must** be shown in as complete detail as is contained in the ... claim." Therefore, for at least the reasons set forth above, Applicants respectfully submit that the cited portion of Kennedy does not anticipate at least these aspects of Applicants' claim 22.

Further, the Office states that Kennedy discloses "... the operational software causing the at least one processor to produce the parameters for configuring the

information transmission device based upon the information requesting setup of a call (see col. 10 line 65 thru col. 11 line 2; response to reported call delivery information, platform 18 generates and delivers call back messages. Also see col. 12, lines 45-50 ; depending on the type of call delivery information, processor 140 perform additional processing to determine proper dial number and method to establish communications),....” See Office action at pp. 3-4. Applicants respectfully disagree.

The Office has identified Applicants’ claimed “at least one processor” as being taught by the “processor 140” of Kennedy, and by the above asserts that Kennedy teaches such operational software causes “processor 140” to “...produce the parameters for configuring the information transmission device based upon the information requesting setup of a call.” Applicants have shown above that Kennedy does not teach or suggest anything in regard to the configuration of the “transceiver 164”, which the Office has identified as teaching Applicants’ claimed “information transmission device”. Because Kennedy does not teach the use of parameters for configuring the “transceiver 164”, Kennedy cannot teach Applicants’ “parameters for configuring the information transmission device”, or that the “processor 140” produces such configuration parameters. For at least these reasons, Applicants respectfully submit that Kennedy cannot teach or suggest, at least, “...operational software executable by the at least one processor, the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call...”, as recited by Applicants’ claim 22.

The Office, however, cites Kennedy at col. 10, line 65 - col. 11, line 2 as teaching this aspect of Applicants’ claim 22. This cited portion of Kennedy states “...FIG. 3 illustrates a block diagram of platform 18 that delivers calls to mobile unit 12 in response to reported call delivery information. Platform 18 also generates and delivers call back messages directing mobile unit 12 to call platform 18 or caller 36.” Applicants respectfully submit that this cited portion of Kennedy makes no mention of parameters for configuring the “transceiver 164”, which the Office identified as teaching Applicants’ “information transmission device”, or of “processor 140” producing any such



"parameters". Therefore, Applicants respectfully submit that this cited portion of Kennedy does not teach or suggest at least this aspect of Applicants' claim 22.

The Office also cites Kennedy at col. 12, lines 45-50 which states "...[d]epending on the type of call delivery information retrieved from memory 142, processor 140 performs additional processing using look-up tables 144 to determine a proper dialing number and method to establish communications with mobile unit 12. Processor 140 directs coupler 146 to place a call to mobile unit 12 using link 172." Again, Applicants respectfully submit that this cited portion of Kennedy makes no mention of "parameters", let alone parameters for configuring the "transceiver 164", which the Office identified as teaching Applicants' "information transmission device", or of "processor 140" producing any such "parameters". Applicants respectfully submit that the mere use of lookup tables to determine a proper dialing number and a method to establish communications with a mobile unit does not teach or suggest "...the operational software causing the at least one processor to produce the parameters for configuring the information transmission device based upon the information requesting setup of a call...", in accordance with Applicants' claim 22. Therefore, Applicants respectfully submit that this cited portion of Kennedy also does not teach or suggest at least this aspect of Applicants' claim 22 and that, for at least the reasons set forth above, the Kennedy reference does not teach each and every element of Applicants' claim 22.

With regard to dependent claims 37 and 38, Applicants respectfully submit that claims 37 recites, in part, "...wherein the information requesting setup of a call comprises information related to telephony signals received by the information transmission device." The Office states that Kennedy teaches this claim feature at col. 8, lines 1-10, which states:

Mobile unit 12 communicates the call delivery information to platform 18 using data link 22 of data communications network 16. Platform 18 stores the call delivery information and awaits a call for mobile unit 12. Upon receiving a call from caller 36, platform 18 retrieves the most recently reported call delivery information for mobile unit 12. Platform 18 uses the call delivery information to establish a communications link between platform 18 and mobile unit 12 using mobile voice communications network

20. Upon establishing a communications link, platform 18 connects the call from caller 36 to mobile unit 12.

Applicants respectfully submit that the Office previously identified Applicants' claimed "information transmission device" as being taught by the "transceiver 164" of Kennedy. Applicants respectfully submit that the cited portion of Kennedy makes no mention of "telephony signals", makes no mention of the "transceiver 164", and necessarily fails to teach that "transceiver 164" receives any "telephony signals". Applicants respectfully submit that claim 37 is allowable over Kennedy for at least these reasons.

Further, Applicants' claim 38, which depends from claim 37, clarifies the nature of the "telephony signals" received by the "information transmission device", and recites, in part "...wherein the telephony signals received comprise at least one of dual tone multi-frequency (DTMF) signals, dial tone, a ring signal, on-hook, off-hook, and call progress tones." Applicants respectfully note that claim 37 and 38 together recite that these "telephony signals" are received by the "information transmission device", which the Office has identified as being taught by the "transceiver 164" of Kennedy. The Office asserts that Kennedy teaches claim 38 at col. 12, lines 35-42 and col. 13, lines 2-6. These cited portions Kennedy respectively disclose that "...[c]aller 36 enters a telephone number or other mobile unit identification number, which is decoded by modem/DTMF 174 or modem 178 and passed to processor 140..." and that "...[a] ring tone generator 182 can produce an audible ring tone to caller 36 to create the illusion that the call is being directly placed with mobile unit 12. In addition, mobile unit 12 can call platform 18 without operator intervention...." The cited portions do not, however, teach or suggest that these signals are "telephony signals" received by the "transceiver 164", which the Office identifies as teaching Applicants' claimed "information transmission device" recited by Applicants' claim 37. Therefore, for at least the reasons set forth above, Applicants respectfully submit that Kennedy does not anticipate at least these features of claims 37 and 38, and that claims 37 and 38 are independently allowable over Kennedy.

With regard to dependent claims 39, 40, and 43, Applicants respectfully submit that claims 39 and 43 recite, in part, "...parameters for configuring the information

transmission device....” Applicants have previously shown that Kennedy does not teach “parameters for configuring the information transmission device”, as recited by independent claim 22 from which claims 39 and 43 depend. Therefore, for at least this reason, Kennedy cannot teach all of the elements of claims 39 and 43. Further, Applicants respectfully submit that no portion of Kennedy teaches that the “transceiver 164”, which the Office has identified as teaching Applicants’ “information transmission device”, generates “telephony signals” in accordance with claims 39 and 40. Therefore, Applicants respectfully submit that Kennedy fails to anticipate claims 39, 40, and 43 for at least these reasons.

With regard to dependent claim 45, Applicants respectfully submit that Kennedy does not disclose the “data transceiver 160” as exchanging “digitized voice information” with the “transceiver 164”. The Office cites col. 11, lines 27-40 and 54-56 as support for this assertion. Kennedy states, at col. 11, lines 27-40:

In a typical configuration, data transceiver 160 receives call delivery information reports from many mobile units 12 and requires a higher capacity design than data transceiver 100 in mobile unit 12. Antenna 162 receives an incoming call delivery information report from mobile unit 12 and passes the report to transceiver 164. Controller 166 receives the report from transceiver 164 and passes the report to processor 140 over link 158. Controller 166 accesses operational software and other data stored in memory 168 to control the operation of data transceiver 160. Data transceiver 160 also receives call back messages from platform 18 using link 158, and transmits call back messages to mobile unit 12 using data communications network 16.

Applicants respectfully submit that there is nothing in this portion of Kennedy that even mentions “voice”, let alone that the “data transceiver 160”, which the Office has identified as teaching Applicants’ claimed “interface circuitry”, is capable of exchanging “digitized voice information” with the “transceiver 164”, which the Office identified as teaching Applicants’ claimed “information transmission device.” Applicants are unable to find any teaching or suggestion in Kennedy where “transceiver 164” processes any voice signals. Therefore, Applicants respectfully submit that this portion of Kennedy

does not teach or suggest at least this aspect of Applicants' claim 45. Further, lines 54-56 at col. 11 of Kennedy simply state "Platform 18 supports voice calls, voice calls with embedded or interleaved data, and partially or fully encoded data calls using modem/DTMF 174 and 176 or modem 178 and 180." (emphasis added) Applicants respectfully submit that the mention of "voice calls" and "voice calls with embedded or interleaved data" does teach or suggest "digitized voice information", as recited by claims 45. Further, Applicants respectfully submit that "platform 18" is not the same as "transceiver 164". Further, Applicants respectfully submit that there is nothing in this portion of Kennedy that teaches anything about "transceiver 164" or "data transceiver 160", which the Office identified as teaching Applicants' claimed "information transmission device" and "interface circuitry", respectively. Therefore, this portion of Kennedy also does not anticipate Applicants' claim 45, and claim 45 is allowable over Kennedy.

Therefore, Applicants respectfully submit that the Office has failed to show that Kennedy teaches each and every element of Applicants' claim 22, as required by M.P.E.P. §2131, and that Kennedy therefore fails to anticipate claim 22, or any claims that depend therefrom. Further, Applicants respectfully submit that at least claims 37, 38, 39, 40, 43, and 45 are independently allowable over Kennedy. Therefore, Applicants respectfully request that the rejections of claims 22, 23, 26, 27, 34, 36-40, 43, 45, and 46 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

With regard to independent claims 47 and 60, Applicants respectfully submit that claims 47 and 60 recite many of the same features of independent claim 22, and that the Office cites many of the same teachings of Kennedy in rejecting those features of claims 47 and 60. Therefore, Applicants respectfully submit that claims 47 and 60 are also allowable over Kennedy, for at least the reasons set forth above with respect to claim 22. Further, Applicants respectfully submit that claims 48-29 and 61-69 that depend, respectively, from allowable independent claims 47 and 60, and are therefore also allowable over Kennedy, for at least the same reasons. Accordingly, Applicants

respectfully request that the rejections of claims 48, 52, 54, 55, 57-61, 64, 65, and 67-69 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

**II. The Proposed Combination of Kennedy And Henley Does Not Render Claims 24, 25, 28-33, 41, 44, 49-51, 53, 56, 62, 63, And 66 Unpatentable**

Claims 24, 25, 28-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley. Applicants respectfully submit that claims 24, 25, 28-33, 41, and 44 depend from independent claim 22, that claims 49-51, 53, and 56 depend from independent claim 47, and that claims 62, 63, and 66 depend from independent claim 60. Applicants respectfully submit that independent claims 22, 47, and 60 are allowable over the proposed combination of references, in that the Office has failed to show where Henley remedies the shortcomings of Kennedy, set forth above. Because independent claims 22, 47, and 60 are allowable over the proposed combination of Kennedy and Henley, Applicants respectfully submit that claims 24, 25, 28-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claims 24, 25, 28-33, 41, 44, 49-51, 53, 56, 62, 63, and 66 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

**III. The Proposed Combination of Kennedy And Barak Does Not Render Claim 35 Unpatentable**

Claim 35 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Barak. Applicants respectfully submit that claim 35 depends from independent claim 22. Applicants respectfully submit that independent claim 22 is allowable over the proposed combination of references, in that the Office has failed to show where Barak remedies the shortcomings of Kennedy, set forth above. Because independent claim 22 is allowable over the proposed combination of Kennedy and Barak, Applicants respectfully submit that claim 35 that depends therefrom is also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claim 35 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

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#### **IV. The Proposed Combination of Kennedy And Sharman Does Not Render Claim 42 Unpatentable**

Claim 42 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Sharman. Applicants respectfully submit that claim 42 depends from independent claim 22. Applicants respectfully submit that independent claim 22 is allowable over the proposed combination of references, in that the Office has failed to show where Sharman remedies the shortcomings of Kennedy, set forth above. Because independent claim 22 is allowable over the proposed combination of Kennedy and Sharman, Applicants respectfully submit that claim 42 that depends therefrom is also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejection of claim 42 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

#### **Conclusion**

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants believe that all of pending claims 22-69 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

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The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: February 13, 2009

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